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CONTINUATION IN PART APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICEApplicant: Daniel Mercola *et al.*

Application No.: TBA

Filed: 00 December 2001

Title: "ISOLATION AND IDENTIFICATION OF CONTROL SEQUENCES AND GENES MODULATED BY TRANSCRIPTION FACTORS"

DECLARATION FOR PATENT APPLICATION

As the below named inventors, we hereby declare that:

Our residences, post office addresses and citizenship are as stated below next to our names.

We believe we are the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled "Isolation and Identification of Control Sequences and Genes Modulated by Transcription Factors", the specification of which is attached hereto unless the following box is checked:

___ was filed on ___ as United States Application Number ___ of PCT International Application Number ___ and was amended on ___ (if applicable).

We hereby state that we have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

We acknowledge the duty to disclosed information which is material to patentability as defined in 37 CFR § 1.56.

We hereby claim foreign priority benefits under 35 U.S.C. § 119 (a)-(d) or § 365 (b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or Inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

(Number)	(Country)	(Day/Month/Year Filed)
(Number)	(Country)	(Day/Month/Year Filed)

Priority Not Claimed

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☐

We hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

(Application Number)	(Filing Date)
(Application Number)	(Filing Date)

We hereby claim the benefit under 35 U.S.C. §120 of any United States application(s) or § 365 (c) of any PCT International application designating the United States, listed below and,

insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. §112, we acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

(Application Number)	(Filing Date)	(Status-patented, pending, abandoned)
(Application Number)	(Filing Date)	(Status-patented, pending, abandoned)

We hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

David B. Waller, Patent Agent No.: 43, 978

Address all correspondence to: David B. Waller by Phone: (858) 457-2014

by Facsimile: (858) 457-2308

by E-Mail: dwaller@cnmnetwork.com

Address all correspondence to: David B. Waller

5677 Oberlin Drive Suite, 214

San Diego, CA 92121

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, or any patent issued thereon.

Full name of sole or first inventor (given name, family name): Daniel Mercola

Inventor's signature D. Mercola Date: 1/21/02

Post Office Address: P. O. Box 3752, Rancho Santa Fe CA 92067, Citizenship: United States

Residence city: Rancho Santa Fe Residence State: California Residence country: United States

Full name of additional inventor (given name, family name): Eileen Adamson

Inventor's signature E. Adamson Date: 1/21/02

Post Office Address: P. O. Box 3752, Rancho Santa Fe CA 92067 Citizenship: United Kingdom

Residence city: Rancho Santa Fe Residence State: California Residence country: United States

Full name of sole or additional inventor (given name, family name): Ian de Belle

Inventor's signature I. de Belle Date: 1/21/02

Post Office Address: 3158 Via Alicante, Apt. D, La Jolla, CA 92037 Citizenship: Canadian

Residence city: Rancho Santa Fe Residence State: California Residence country: United States

☐ Additional inventors are being named on separately numbered sheets attached hereto.



CONTINUATION IN PART APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Daniel Mercola *et al.*
Application No.: TBA
Filed: 30 December 2001
Title: "ISOLATION AND IDENTIFICATION OF CONTROL SEQUENCES AND
GENES MODULATED BY TRANSCRIPTION FACTORS"

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS (37 CFR
§1.9 (f) and §1.27 (b)) - INDEPENDENT INVENTOR

As the below named inventors, we hereby declare that we qualify as a small business concern as defined in 37 CFR §1.9 (f) for purposes of paying reduced fees to the Patent and Trademark Office described in:

- ☒ the utility patent application specification filed herewith with title as listed above.
- ☐ the design patent application specification filed herewith with title as listed above.
- ☐ the plant patent application specification filed herewith with title as listed above.
- ☐ the provisional application identified above.
- ☐ the patent identified above.

We have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who would not qualify as an independent inventor under 37 CFR §1.9 (c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR §1.9 (d) or a nonprofit organization under 37 CFR §1.9(e).

Each person, concern or organization to which we have assigned, granted, conveyed or licensed or are under an obligation under contract to assign, grant, convey or license, any rights in the invention is listed below:

- ☒ No such person, concern, or organization exists.
- ☐ Each such person, concern or organization is listed below.

Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR §1.27)

We acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR §1.28 (b))

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent on which this verified statement is directed.

Daniel MercolaUnited States

NAME OF INVENTOR

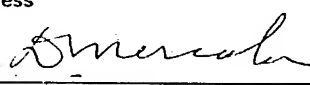
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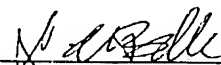
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